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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 ALVIN HENNINGTON, JR.

11 Plaintiff,

12 v.

13 SAN DIEGO POLICE DEPARTMENT,
14 et. al.,

15 Defendants.

Civil No.08cv0859 JAH (LSP)

**ORDER GRANTING *EX PARTE*
APPLICATION FOR AN ORDER
ESTABLISHING TIME TO
RESPOND [Doc. No. 2]**

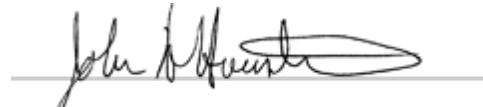
16 On April 8, 2008, Alvin Hennington, Jr. (“plaintiff”), proceeding pro se, filed a
17 complaint in San Diego County Superior Court against the United States Customs and
18 Border Protection (“defendant”), alleging numerous causes of action and requesting \$800
19 million in damages. Defendant removed the action on May 14, 2008. (Doc. No. 1.)
20 That same day, defendant filed an ex parte application for an Order establishing the time
21 for the defendant’s response. On May 22, 2008, the action was transferred to this Court
22 pursuant the low number rule. See Order (Doc. No. 4); CivLR 40.1.

23 In its application, Defendant asks the Court to reconcile an apparent conflict
24 between FRCP 12(a), which requires the United States to respond within sixty days after
25 service upon the United States Attorney, and FRCP 81(c), which provides no longer than
26 twenty days for any defendant to respond.

27 Good cause appearing, IT IS HEREBY ORDERED Defendant’s *ex parte* application
28 is **GRANTED**. Defendant shall respond to the complaint within sixty (60) days from the

1 date of removal.

2 DATED: June 3, 2008

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4 JOHN A. HOUSTON
5 United States District Judge
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